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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

Mirus.030.03

First named inventor: David L. Lewis

Application No.: 10/007,459

Art Unit:

Filed: 11/07/2001

Examiner:

Title: Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-Embryonic  
Animal Cells In vivoAttention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

## A. The reply and/or fee to the above-noted Notice in

the form of a reply to missing parts (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

## B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/26/2004 AWONDAF1 00000096 10007459

01 FC:2453

665.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2/20/2004

Date

Telephone

Number: (608) 238-4400

Signature

Mark K. Johnson

Typed or printed name

505 South Rosa Road

Address

Madison, WI 53719

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/20/2004

Date

Signature

Mark K. Johnson

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David L. Lewis )  
Jon A. Wolff, Aaron G. Loomis, )  
James E. Hagstrom, Hans Herweijer )  
Serial No.: 10/007,459 )  
Filed: 11/07/2001 )  
Group Art Unit: )

For: **Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-Embryonic Animal Cells In vivo**

**PETITION UNDER 37 C.F.R. §1.137**

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


**37 C.F.R. 1.137**

Applicants hereby request that the abandonment be considered unintentional under Rule 1.137. The entire delay in filing the required reply from the due date for the reply until this filing was unintentional.

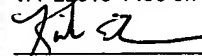
Enclosed is the declaration filed in response to the Notice to File Missing Parts dated 12/26/2001.

Also enclosed is a credit card pay form, please charge the amount of \$730.00 to cover the late oath or declaration fee (\$65) and the petition fee (\$665) as set forth in § 1.17(m).

Respectfully submitted,

  
Mark K. Johnson Reg. No. 35,909  
Mirus  
505 South Rosa Road  
Madison, WI 53719  
608-238-4400

I hereby certify that this correspondence is being sent by United States Postal Service Express Mail to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: Feb 20, 2004.

  
Kirk Ekena